

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cr-10067

United States of America

v.

Talmus R. Taylor

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-51 & envelope with letters of support

and contained in Volume(s) I are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 8/7/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on August 15, 2006.

Sarah A. Thornton, Clerk of Court

By

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 8/16/06

D. Barchard
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-10067-PBS-ALL**

Case title: USA v. Taylor

Date Filed: 03/17/2005

Assigned to: Judge Patti B. Saris

Defendant

Talmus R. Taylor (1)
TERMINATED: 07/13/2006

represented by **Bruce T. Macdonald**
678 Massachusetts Avenue
Suite 901
Cambridge, MA 02139
617-354-1711
Fax: 617-354-5749
Email: btm95@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Janet Sesnovich
132 Central Street
P.O. Box 439
Foxboro, MA 02035
TERMINATED: 06/03/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

26:7206(2) Aiding and Assisting
in the preparation of False Tax

Disposition

Defendant is hereby sentenced to probation for a term of 60 months, the first year to be spent in a half-way house. Defendant is to perform five hours per week in community service for the entire probationary period. Defendant is not to prepare income taxes for

REturns
(1-16)

anyone but himself. Defendant is to comply with all financial conditions required by US Probation. The \$1,600.00 Special Assessment is due immediately. The \$10,000 Fine, with interest, is to be paid out during the period of probation.

**Highest Offense Level
(Opening)**

Felony

Terminated Counts

None

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Disposition

Plaintiff

USA

represented by **John A. Capin**

United States Attorney's Office
John Joseph Moakley Federal
Courthouse
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3264
Fax: 617-748-3951
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael J. Pineault
United States Attorney's Office

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 Boston, MA 02210
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 michael.pineault@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/17/2005	<u>1</u>	INDICTMENT as to Talmus R. Taylor (1) count(s) 1-16. (Gawlik, Cathy) (Entered: 03/17/2005)
03/17/2005	<u>2</u>	Judge Patti B. Saris : ORDER entered. ORDER REFERRING CASE to Magistrate Judge Joyce London Alexander Reason for referral: pretrial proceedings as to Talmus R. Taylor (Gawlik, Cathy) (Entered: 03/17/2005)
04/22/2005	<u>3</u>	ELECTRONIC NOTICE OF HEARING as to Talmus R. Taylor Initial Appearance set for 4/27/2005 03:30 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. Arraignment set for 4/27/2005 03:30 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Brown, Rex) (Entered: 04/22/2005)
04/27/2005	<u>4</u>	Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Initial Appearance as to Talmus R. Taylor held on 4/27/2005. The defendant appears with retained counsel. The Court informs the defendant of his rights and the charges. The Court informs the defendant of his rights and the charges. Bond Hearing as to Talmus R. Taylor held on 4/27/2005. The government states that there are conditions of release that can reasonably assure the defendant's appearance at trial. The Court RELEASES the defendant on Personal Recognizance Bond with conditions. Arraignment as to Talmus R. Taylor (1) Count 1-16 held on 4/27/2005. The Court advises the defendants of the charges and the government states the maximum penalty. The defendant pleads not guilty to the charges. The Court provides an automatic disclosure notice to counsel. INITIAL Status Conference set

		for 6/2/2005 04:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Tape #Digital Recording.) (Brown, Rex) (Entered: 05/04/2005)
04/27/2005	<u>5</u>	NOTICE OF ATTORNEY APPEARANCE: Janet Sesnovich appearing for Talmus R. Taylor...recv'd for docketing 5/23/05 (Smith3, Dianne) (Entered: 05/23/2005)
04/27/2005	<u>6</u>	Appearance Bond Entered as to Talmus R. Taylor in amount of \$ Personal Recognizance,..recv'd for docketing 5/23/05 (Smith3, Dianne) (Entered: 05/23/2005)
04/27/2005	<u>7</u>	Judge Joyce London Alexander : ORDER entered. ORDER Setting Conditions of Release as to Talmus R. Taylor (1) Personal Recognizance....recv'd for docketing 5/23/05 (Smith3, Dianne) (Entered: 05/23/2005)
05/02/2005		Return receipt received for mail sent to Talmus R. Taylor. No delivery date indicated. (Patch, Christine) (Entered: 05/04/2005)
05/16/2005	<u>4</u>	Assented to MOTION to Modify Conditions of Release as to Talmus R. Taylor. (Patch, Christine) (Entered: 05/19/2005)
05/20/2005		Judge Patti B. Saris : Electronic ORDER entered granting <u>4</u> Motion to Modify Conditions of Release as to Talmus R. Taylor (1) (Patch, Christine) (Entered: 05/23/2005)
05/31/2005	<u>9</u>	NOTICE OF ATTORNEY APPEARANCE: Bruce T. Macdonald appearing for Talmus R. Taylor (Patch, Christine) (Entered: 06/08/2005)
06/01/2005		ELECTRONIC NOTICE OF RESCHEDULING as to Talmus R. Taylor INITIAL Status Conference set for 6/9/2005 02:45 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Brown, Rex) (Entered: 06/01/2005)
06/01/2005	<u>8</u>	NOTICE of Rejection of Filing re: Notice of Appearance sent to Bruce Macdonald. (Patch, Christine) (Entered: 06/01/2005)
06/01/2005	<u>11</u>	MOTION to Continue to 6/15/05 to Hold Initial Status Conference as to Talmus R. Taylor. (Brown, Rex) (Entered: 06/23/2005)
06/03/2005	<u>10</u>	NOTICE of Withdrawal of Appearance in case as to Talmus R. Taylor. Attorney Janet Sesnovich terminated. (Patch, Christine) (Entered: 06/08/2005)

06/09/2005	●	Judge Joyce London Alexander : Electronic ORDER entered granting <u>11</u> Motion to Continue as to Talmus R. Taylor (1) to 6/15/05 at 10:15 a.m. (Brown, Rex) (Entered: 06/23/2005)
06/15/2005	●	Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Initial Status Conference as to Talmus R. Taylor held on 6/15/2005. Dispositive Motions due on or before 7/5/05 with the government's response due 7/15/05. Order to issue. Interim Status Conference set for 7/26/2005 03:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Tape #Digital Recording.) (Brown, Rex) (Entered: 06/23/2005)
06/30/2005	●12	Judge Joyce London Alexander : ORDER entered. REPORT AND ORDER on Initial Status Conference as to Talmus R. Taylor Dispositive Motions due by 7/5/2005. Interim Status Conference set for 7/26/2005 03:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Brown, Rex) (Entered: 07/04/2005)
07/26/2005	●	Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Interim Status Conference as to Talmus R. Taylor held on 7/26/2005. Government to produce documents during the week of August 8, 2005. Discovery motions to be filed on or before 8/26/05. Final Status Conference set for 9/13/2005 02:45 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Lyness, Paul) (Entered: 07/26/2005)
07/26/2005	●	SET Hearings as to Talmus R. Taylor: FINAL Status Conference set for 9/13/2005 @ 02:45 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Miner, Valencia) (Entered: 07/27/2005)
07/28/2005	●13	Joint MOTION for Excludable Delay to <i>September 12, 2005</i> as to Talmus R. Taylorby USA. (Pineault, Michael) (Entered: 07/28/2005)
07/28/2005	●	Magistrate Judge Joyce London Alexander : Electronic ORDER entered granting <u>13</u> Motion to Exclude as to Talmus R. Taylor. (1) (Miner, Valencia) (Entered: 07/29/2005)
09/13/2005	●	Electronic Clerk's Notes for proceedings held before Judge Joyce London Alexander :Final Status Conference as to Talmus R. Taylor held on 9/13/2005. Parties agree that trial is necessary. Case is ready to be sent back to District Judge.

		(Folan, Karen) (Entered: 09/13/2005)
09/13/2005	●	Case as to Talmus R. Taylor no longer referred to Magistrate Judge Joyce London Alexander. Case returned to District Judge. (Folan, Karen) (Entered: 09/13/2005)
09/13/2005	●14	Magistrate Judge Joyce London Alexander : ORDER entered. REPORT AND ORDER on Final Status Conference as to Talmus R. Taylor (JLA, intl) (Entered: 09/13/2005)
09/14/2005	●15	NOTICE OF INITIAL PRETRIAL CONFERENCE as to Talmus R. Taylor. Initial Pretrial Conference set for 9/21/2005 at 3:00 PM in Courtroom 19 before Judge Patti B. Saris. (Alba, Robert) (Entered: 09/14/2005)
11/28/2005	●16	NOTICE OF ATTORNEY APPEARANCE John A. Capin appearing for USA. (Capin, John) (Entered: 11/28/2005)
11/28/2005	●	Attorney update in case as to Talmus R. Taylor. Attorney John A. Capin for USA added. (Patch, Christine) (Entered: 11/29/2005)
11/29/2005	●17	Joint MOTION to Continue <i>Trial for Approximately 60 Days and to Exclude Period of Continuance Under Speedy Trial Act</i> as to Talmus R. Taylorby USA. (Capin, John) (Entered: 11/29/2005)
12/01/2005	●	Judge Patti B. Saris : Electronic ORDER entered granting 17 Motion to Continue Trial and to Exclude Period of Continuance under Speedy Trial Act, as to Talmus R. Taylor (1). Jury Trial set for 3/6/2006 09:00 AM in Courtroom 19 before Judge Patti B. Saris. Pretrial Conference set for 2/28/2006 02:00 PM in Courtroom 19 before Judge Patti B. Saris. (Patch, Christine) (Entered: 12/05/2005)
01/24/2006	●18	Assented to MOTION to Continue as to Talmus R. Taylor. (Macdonald, Bruce) (Entered: 01/24/2006)
01/31/2006	●	Judge Patti B. Saris: Electronic ORDER entered re: 18 Assented to MOTION to Continue as to Talmus R. Taylor. "COUNSEL ARE TO APPEAR FOR A STATUS HEARING ON FEBRUARY 14, 2006, AT 3:00 P.M."(Alba, Robert) (Entered: 01/31/2006)
02/01/2006	●19	NOTICE OF RESCHEDULED STATUS HEARING as to Talmus R. Taylor. At the request of counsel, the Status Hearing previously scheduled for February 14, 2006, has been

		rescheduled to February 2, 2006, at 3:30 p.m. in Courtroom 19 before Judge Patti B. Saris. (Alba, Robert) (Entered: 02/01/2006)
02/02/2006	●	ElectronicClerk's Notes for proceedings held before Judge Patti B. Saris:Status Hearing as to Talmus R. Taylor held on 2/2/2006. Court allows Motion to Continue Trial by one week. Jury Trial rescheduled to 3/13/2006 at 9:00 AM. Final Pretrial Conference remains scheduled for 2/28/06 at 2:00 PM. (Court Reporter Lee Marzilli.) (Alba, Robert) (Entered: 02/02/2006)
02/02/2006	●	Judge Patti B. Saris : Electronic ORDER entered granting <u>18</u> Motion to Continue Trial and to Exclude Period of Continuance under Speedy Trial Act as to Talmus R. Taylor (1). "Allowed for one week (at least). All time excluded under STA." (Patch, Christine) (Entered: 02/07/2006)
02/03/2006	●20	Judge Patti B. Saris: PRETRIAL ORDER entered as to Talmus R. Taylor. The above action has been set down for JURY TRIAL on 3/13/06, at 9:00 a.m. A FINAL PRETRIAL CONFERENCE has been scheduled for 2/28/06, at 2:00 p.m. By 2/13/06, the parties shall file/serve proposed jury instructions, proposed voir dire questions, motions in limine, witness/exhibit lists. By 2/27/06, the parties shall file/serve opposition to motions in limine, any objections to witnesses or exhibits. Pretrial memoranda shall be filed/served by 3/7/06. (Alba, Robert) (Entered: 02/03/2006)
02/13/2006	●21	MOTION in Limine as to Talmus R. Taylor. (Macdonald, Bruce) (Entered: 02/13/2006)
02/13/2006	●22	Proposed Jury Instructions by Talmus R. Taylor (Macdonald, Bruce) (Entered: 02/13/2006)
02/13/2006	●23	Proposed Voir Dire by Talmus R. Taylor (Macdonald, Bruce) (Entered: 02/13/2006)
02/13/2006	●24	EXHIBIT/WITNESS LIST by USA as to Talmus R. Taylor (Capin, John) (Entered: 02/13/2006)
02/13/2006	●25	EXHIBIT/WITNESS LIST by USA as to Talmus R. Taylor (Capin, John) (Entered: 02/13/2006)
02/13/2006	●26	Proposed Jury Instructions by USA as to Talmus R. Taylor (Capin, John) (Entered: 02/13/2006)
02/13/2006	●27	Proposed Voir Dire by USA as to Talmus R. Taylor (Capin,

		John) (Entered: 02/13/2006)
02/13/2006	28	EXHIBIT/WITNESS LIST by Talmus R. Taylor (Macdonald, Bruce) (Entered: 02/13/2006)
02/17/2006	29	EXHIBIT/WITNESS LIST by USA as to Talmus R. Taylor (Capin, John) (Entered: 02/17/2006)
02/17/2006	30	Opposition by USA as to Talmus R. Taylor re 21 MOTION in Limine (Capin, John) (Entered: 02/17/2006)
02/28/2006		ElectronicClerk's Notes for proceedings held before Judge Patti B. Saris:Final Pretrial Conference as to Talmus R. Taylor held on 2/28/2006. Trial to proceed on 3/13/06 unless Court indicates otherwise. (Court Reporter Lee Marzilli.) (Alba, Robert) (Entered: 02/28/2006)
03/17/2006	31	"REMINDER" NOTICE OF RESCHEDULED JURY TRIAL as to Talmus R. Taylor. The Jury Trial previously scheduled for March 13, 2006, has been rescheduled to March 20, 2006, at 9:00 a.m. in Courtroom 19 before Judge Patti B. Saris. (Alba, Robert) (Entered: 03/17/2006)
03/19/2006	32	EXHIBIT/WITNESS LIST by USA as to Talmus R. Taylor (Capin, John) (Entered: 03/19/2006)
03/20/2006		ElectronicClerk's Notes for proceedings held before Judge Patti B. Saris :Voir Dire begun on 3/20/2006 Talmus R. Taylor (1) on Count 1-16. (Court Reporter Lee Marzilli.) (Alba, Robert) (Entered: 03/21/2006)
03/21/2006		ElectronicClerk's Notes for proceedings held before Judge Patti B. Saris:Jury Trial - Day Two as to Talmus R. Taylor held on 3/21/2006. (Court Reporter Niles Fowlkes.) (Alba, Robert) (Entered: 03/21/2006)
03/22/2006		ElectronicClerk's Notes for proceedings held before Judge Patti B. Saris:Jury Trial - Day Three as to Talmus R. Taylor held on 3/22/2006. (Court Reporter Lee Marzilli.) (Alba, Robert) (Entered: 03/22/2006)
03/22/2006	34	MOTION for Limiting Instruction as to Talmus R. Taylor. (Patch, Christine) (Entered: 03/27/2006)
03/23/2006		ElectronicClerk's Notes for proceedings held before Judge Patti B. Saris:Jury Trial - Day Four as to Talmus R. Taylor held on 3/23/2006. (Court Reporter Lee Marzilli.) (Alba, Robert) (Entered: 03/23/2006)

03/26/2006	33	Proposed Jury Instructions by Talmus R. Taylor (Macdonald, Bruce) (Entered: 03/26/2006)
03/27/2006		ElectronicClerk's Notes for proceedings held before Judge Patti B. Saris:Jury Trial - Day Five as to Talmus R. Taylor held on 3/27/2006. (Court Reporter Lee Marzilli.) (Alba, Robert) (Entered: 03/27/2006)
03/27/2006	35	MOTION to Strike <i>Testimony of Witness Craig Lankhorst Relative to Reputation of Witness Sylvia Davis-Castro for Truthfulness</i> as to Talmus R. Taylor. (Macdonald, Bruce) (Entered: 03/27/2006)
03/27/2006	36	MOTION for Judgment of Acquittal as to Talmus R. Taylor. (Patch, Christine) (Entered: 03/28/2006)
03/27/2006		Judge Patti B. Saris : Electronic ORDER entered denying 36 Motion for Judgment of Acquittal as to Talmus R. Taylor (1) (Patch, Christine) (Entered: 03/28/2006)
03/28/2006		ElectronicClerk's Notes for proceedings held before Judge Patti B. Saris:Jury Trial - Day Six as to Talmus R. Taylor held on 3/28/2006. (Court Reporter Lee Marzilli.) (Alba, Robert) (Entered: 03/28/2006)
03/28/2006		Judge Patti B. Saris : Electronic ORDER entered granting 34 Motion for Limiting Instruction as to Talmus R. Taylor (1) (Patch, Christine) (Entered: 03/29/2006)
03/29/2006		ElectronicClerk's Notes for proceedings held before Judge Patti B. Saris:Jury Trial - Day Seven as to Talmus R. Taylor held on 3/29/2006. Jury begins deliberations. Jury returns a verdict. Jury verdict: Guilty on Counts 1-16. Sentencing set for 7/12/2006 at 2:00 PM in Courtroom 19 before Judge Patti B. Saris. (Court Reporter Lee Marzilli.) (Alba, Robert) (Entered: 03/29/2006)
03/29/2006	37	COURT'S EXHIBIT LIST for Jury Trial held from 3/20/06 through 3/29/06 as to Talmus R. Taylor. (Alba, Robert) (Entered: 03/29/2006)
03/29/2006	38	COURT'S WITNESS LIST for Jury Trial held from 3/20/06 through 3/29/06 as to Talmus R. Taylor. (Alba, Robert) (Entered: 03/29/2006)
03/29/2006	39	Judge Patti B. Saris : ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Talmus R. Taylor

		Sentencing set for 7/12/2006 02:00 PM in Courtroom 19 before Judge Patti B. Saris. (Patch, Christine) (Entered: 03/30/2006)
03/29/2006	40	JURY VERDICT as to Talmus R. Taylor (1) Guilty on Count 1-16. (Patch, Christine) (Entered: 03/30/2006)
04/05/2006	41	MOTION for New Trial as to Talmus R. Taylor. (Macdonald, Bruce) (Entered: 04/05/2006)
04/25/2006		Judge Patti B. Saris : Electronic ORDER entered denying 41 Motion for New Trial as to Talmus R. Taylor (1) (Patch, Christine) (Entered: 04/27/2006)
06/27/2006	42	EXCERPT TRANSCRIPT of Jury Trial Day Three (Testimony of Gregory Alves) as to Talmus R. Taylor held on March 22, 2006 before Judge Saris. Court Reporter: Lee A. Marzilli 617/345-6787. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Scalfani, Deborah) (Entered: 06/27/2006)
06/27/2006	43	EXCERPT TRANSCRIPT of Jury Trial Four (Testimony of Sheryl Fernandes) as to Talmus R. Taylor held on March 23, 2006 before Judge Saris. Court Reporter: Lee A. Marzilli 617/439-7086. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Scalfani, Deborah) (Entered: 06/27/2006)
07/07/2006	44	SENTENCING MEMORANDUM by Talmus R. Taylor (Attachments: # 1 Exhibit A# 2 Exhibit B)(Macdonald, Bruce) (Entered: 07/07/2006)
07/11/2006	45	MOTION for Leave to File <i>Government's Sentencing Memorandum Late</i> as to Talmus R. Taylor by USA. (Capin, John) (Entered: 07/11/2006)
07/11/2006	46	SENTENCING MEMORANDUM by USA as to Talmus R. Taylor (Capin, John) (Entered: 07/11/2006)
07/11/2006	47	MOTION to Amend/Correct <i>Sentencing Memorandum</i> as to Talmus R. Taylor. (Macdonald, Bruce) (Entered: 07/11/2006)
07/12/2006		Judge Patti B. Saris: Electronic ORDER entered granting 45 MOTION for Leave to File <i>Government's Sentencing Memorandum Late</i> as to Talmus R. Taylor by USA. (Alba,

		Robert) (Entered: 07/12/2006)
07/12/2006	48	Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris: Sentencing held on 7/12/2006 for Talmus R. Taylor Count(s) 1-16. Court sentences defendant to 60 months Probation subject to the first year being spent in a Half-Way House and five hours of community service per week for the balance of the term of probation with special conditions. \$10,000 Fine. \$1,600 Special Assessment. Defendant informed of right of appeal. (Court Reporter Lee Marzilli.) (Alba, Robert) (Entered: 07/12/2006)
07/12/2006	48	COURT'S WITNESS LIST for Sentencing Hearing held on 7/12/06 as to Talmus R. Taylor (Alba, Robert) (Entered: 07/12/2006)
07/13/2006	49	Judge Patti B. Saris : ORDER entered. JUDGMENT as to Talmus R. Taylor (1), Count(s) 1-16, Defendant is hereby sentenced to probation for a term of 60 months, the first year to be spent in a half-way house. Defendant is to perform five hours per week in community service for the entire probationary period. Defendant is not to prepare income taxes for anyone but himself. Defendant is to comply with all financial conditions required by US Probation. The \$1,600.00 Special Assessment is due immediately. The \$10,000 Fine, with interest, is to be paid out during the period of probation. (Patch, Christine) (Entered: 07/20/2006)
08/05/2006	50	MOTION to Amend <i>Travel Conditions</i> as to Talmus R. Taylor. (Macdonald, Bruce) (Entered: 08/05/2006)
08/07/2006	51	NOTICE OF APPEAL by USA as to Talmus R. Taylor Filing fee \$ 455. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/28/2006. (Capin, John) (Entered: 08/07/2006)
08/07/2006		Judge Patti B. Saris : Electronic ORDER entered denying 50 Motion to Amend Travel Conditions as to Talmus R. Taylor (1). "If defendant wants to travel for a few days prior to designation, he has my permission. However, three weeks is far too long." (Patch, Christine) (Entered: 08/08/2006)

